

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: CHAIRMAN GARY L. PERRY, on January 14, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 139, SB 169, 1/7/2009

Executive Action: SB 1-Tabled, SB 103-Do Pass,
SB 108-Do Pass As Amended,
SB 159-Tabled

HEARING ON SB 169

Opening Statement by Sponsor:

00:02:11 **SEN. KELLY GEBHARDT (R), SD 23**, opened the hearing on **SB 169**, Revise drug testing requirements for public officers.

Proponents' Testimony:

00:02:59 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

[EXHIBIT\(jus08a01\)](#)

00:06:50 Rebecca Sturdevant, self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:09:10 Sen. McGee

00:09:38 Sen. Gebhardt

00:12:51 Sen. Esp

00:13:55 Mr. Blattie

Closing by Sponsor:

00:14:21 Sen. Gebhardt

HEARING ON SB 139

Opening Statement by Sponsor:

00:16:37 **SEN. GARY PERRY (R), SD 35**, opened the hearing on **SB 139**, Fingerprints for misdemeanor offenses.

Proponents' Testimony:

00:18:18 Ali Bovingdon, Assistant Attorney General, Department
of Justice, (DOJ)

EXHIBIT(jus08a02)

00:21:42 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

00:22:15 Merle Raph, President, Montana County Attorneys
Association (MCAA)

00:24:12 Pam Bucy, Montana Association of Chiefs of Police
(MACOP), Montana Police Protective Association (MPPA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:26:04 Sen. McGee

00:27:06 Mr. Raph

00:30:10 Sen. Hinkle

00:31:06 Sen. Perry

00:31:26 Sen. Juneau

00:32:11 Ms. Bovingdon

00:32:47 Sen. McGee

00:33:01 Sen. Juneau

00:33:44 Ms. Bovingdon

00:36:28 Sen. Shockley

00:37:13 Ms. Bovingdon

00:38:02 Sen. Shockley

00:38:10 Jim Smith, Montana Sheriffs and Peace Officers
Association (MSPOA)

00:41:21 Sen. Shockley

00:41:35 Ms. Bucy

Closing by Sponsor:

00:43:06 Sen. Perry

00:44:30 Break

00:55:24 Sen. Perry

(Sen. Juneau absent from room)

EXECUTIVE ACTION ON SB 1

00:55:51 **Motion:** SEN. LASLOVICH moved that **SB 1 DO PASS.**

Discussion:

00:56:08 Sen. McGee

EXHIBIT(jus08a03)

01:00:45 Sen. Laslovich

01:04:56 Sen. Shockley

01:06:01 Sen. Jent

01:09:36 Sen. Esp

01:11:30 Sen. Perry

01:13:43 Sen. McGee

01:13:52 **Substitute Motion/Vote:** SEN. MCGEE made a substitute motion that **SB 1 BE TABLED**. Substitute motion carried 9-3 by roll call vote with SEN. JUNEAU, SEN. LASLOVICH, and SEN. MOSS voting no. Sen. Juneau voted by proxy.

(Sen. Laslovich absent from room)

EXECUTIVE ACTION ON SB 103

01:15:27 **Motion:** SEN. MOSS moved that **SB 103 DO PASS.**

EXHIBIT(jus08a04)

EXHIBIT(jus08a05)

EXHIBIT(jus08a06)

Discussion:

01:15:44 Sen. Moss

01:15:56 Sen. McGee

01:17:34 Sen. Shockley

01:18:50 Sen. McGee

01:21:36 Sen. Moss

01:22:54 Sen. Jent

01:25:04 Sen. McGee

01:25:27 Sen. Shockley

01:25:59 Sen. Hinkle

01:26:34 **Vote:** Motion that **SB 103 DO PASS** carried unanimously by voice vote. Sen. Juneau and Sen. Laslovich voted by proxy.

01:27:25 Sen. Jent

EXECUTIVE ACTION ON SB 108

01:29:03 **Motion:** SEN. JENT moved that **SB 108 DO PASS.**

Discussion:

01:29:24 **Motion:** SEN. JENT moved that **SB 108 BE AMENDED.**
EXHIBIT(jus08a07)

01:30:24 **Vote:** Motion that **SB 108 BE AMENDED** carried unanimously by voice vote. Sen. Juneau and Sen. Laslovich voted by proxy.

01:30:52 **Motion:** SEN. JENT moved that **SB 108 DO PASS AS AMENDED.**

Discussion:

01:31:53 Sen. McGee

01:32:24 Sen. Jent

01:33:32 **Vote:** Motion that **SB 108 DO PASS AS AMENDED** carried unanimously by voice vote. Sen. Juneau and Sen. Laslovich voted by proxy.

EXECUTIVE ACTION ON SB 159

01:34:15 **Motion:** SEN. SHOCKLEY moved that **SB 159 DO PASS.**

Discussion:

01:34:43 **Motion:** SEN. SHOCKLEY moved that **SB 159 BE AMENDED.**
EXHIBIT(jus08a08)

01:35:48 **Vote:** Motion that **SB 159 BE AMENDED** carried unanimously by voice vote. Sen. Juneau and Sen. Laslovich voted by proxy.

01:36:00 **Motion:** SEN. SHOCKLEY moved that **SB 159 DO PASS AS AMENDED.**

Discussion:

01:36:13 Sen. Shockley
01:37:45 Sen. McGee
01:40:13 Sen. Moss
01:43:07 Sen. Hinkle
01:44:03 Sen. Perry
01:44:32 Sen. Shockley
01:45:31 Sen. Esp

01:45:39 **Vote:** Motion that **SB 159 DO PASS AS AMENDED** failed 3-9 by roll call vote with SEN. ESP, SEN. LASLOVICH, and SEN. SHOCKLEY voting aye. Sen. Juneau and Sen. Laslovich voted by proxy.

01:46:33 **Motion/Vote:** SEN. ESP moved that **SB 159 BE TABLED AND THE VOTE REVERSED.** Motion carried. Sen. Juneau and Sen. Laslovich voted by proxy.

01:46:50 Sen. Jent
01:47:23 Sen. Perry
01:47:29 Sen. McGee
01:49:00 Sen. Perry
01:49:33 Sen. Jent

ADJOURNMENT

Adjournment: 10:50 A.M.

PAM SCHINDLER, Secretary

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Additional Exhibits:

EXHIBIT ([jus08aad.pdf](#))